REMARKS

I.   The Declaration Was Signed by All of the Inventors

In the Office Action, it was asserted that the declaration was defective because it was not signed by inventor Daniel T. Brown. Applicants respectfully disagree. Two copies of the declaration were submitted for this application: one signed by inventor Daniel T. Brown and the other signed by the other inventors. Applicants submit herewith a copy of those declarations (at Tab A) as well as a copy of the stamped postcard (at Tab B) showing receipt of those declarations by the United States Patent and Trademark Office. In view of these submissions, Applicants respectfully submit that a new declaration is not needed.

II.   Objection to the Specification

The Examiner requested that the term "java" in the specification be capitalized and accompanied by the trademark symbol ®. In this Amendment, Applicants have changed the term as requested in the Office Action.

III.   35 U.S.C. § 112, Second Paragraph, Rejections of Claims 9, 27, and 42

Claims 9, 27, and 42 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for using the term Java®. In response to these rejections, Applicants have amended Claims 9, 27, and 42 to delete the term Java® and replace it with a description found on page 9, lines 8-13. In view of these amendments, Applicants respectfully submit that the rejections have been overcome.

IV.   35 U.S.C. § 102(e) Rejections of Independent Claims 1 and 6

A.   Introduction

Independent Claims 1 and 6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,223,190 to Aihara et al. To better define the invention recited in those

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claims, Applicants have amended independent Claims 1 and 6. Before turning to those amendments, Applicants present a brief overview of Aihara et al.

B. Brief Overview of Aihara et al.

Aihara et al. states that there is a need for users to easily create an HTML file that contains images taken by a digital camera. Aihara et al. explains that the conventional way of creating an HTML file incorporating a digital picture is for a user to take a picture with his digital camera, transfer the picture to a personal computer ("PC"), manipulate the picture using image editing software on the PC, and then import the manipulated image into a document editing application to generate an HTML file containing the picture. Aihara et al. desires to simplify this process by having the required software be present in the digital camera itself so that the user can perform all the functions on the camera, thereby eliminating the need to use a PC. In one embodiment, this software (which is referred to as a "script" in Aihara et al.) is stored on a removable media device, such as a flash disk, that the user connects to the camera. The script allows the user to select a picture stored in the memory of the camera or a removable disk for processing and formatting into an HTML file. The HTML file can then be saved.

While the script is used to generate an HTML file from a picture read from removable memory, Aihara et al. makes clear that the function of reading the picture from removable memory is a conventional function of a digital camera's operating system and that the camera does not require the script to perform that function. Aihara et al. states that a camera, without the script, can be used in "play mode" to read and view a picture stored in removable memory. Accordingly, the script stored in the removable memory is not required for the camera to read and view pictures stored on that or another removable memory.

C.   Amended Independent Claims 1 and 6

To better define the invention, Applicants have amended independent Claims 1 and 6 to recite that the solid-state memory device stores both data and program code and that host device requires the program code to read the data. After being connected to the host device, the program code is provided to the host device, and the host device uses the program code to read the data stored in the solid-state memory device. These features are not taught in Aihara et al.

Assuming that the removable storage media that stores the script in Aihara et al. also stores pictures[1], Aihara et al. makes clear that the script is not required for the camera to read pictures stored in the removable memory. Aihara et al. teaches that the ability to read a picture from a removable memory is part of the conventional functionality of the digital camera's operating system. The script in Aihara et al. is used to create an HTML file that includes a picture read from removable memory — not to provide the camera with functionality to read a picture from removable memory, as that is a pre-existing function of the digital camera's operating system.

Because Aihara et al. does not teach a memory device that stores both data and program code that a host device requires to read the data, Applicants respectfully submit that Aihara et al. fails to anticipate independent Claims 1 and 6 and their dependent claims. Accordingly, Applicants respectfully request removal of the 35 U.S.C. § 102(e) rejections based on Aihara et al.

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[1] It is not clear whether the removable storage media on which the script is stored also contains images read by the camera. The removable storage media on which the script is stored is referred to as "removable memory 354" (see col. 10, lines 18-19 and col. 11, lines 1-3), while the removable storage media from which pictures are read is referred to simply as "removable memory" (without a reference numeral) (see col. 8, lines 25-29).

V.   35 U.S.C. § 103(a) Rejections of Independent Claims 20, 23, 37, and 39

A.   Introduction

Independent Claims 20 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of Aihara et al. and U.S. Patent No. 4,757,534 to Matyas et al. Independent Claims 37 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed combination of Aihara et al., Matyas et al., and U.S. Patent No. 6,766,417 to Tanaka et al. Applicants respectfully request reconsideration and withdrawal of these rejections because the proposed combinations do not teach each and every element recited in the claims.

B.   Independent Claims 20 and 23

Independent Claims 20 and 23 both recite a solid-state memory device that stores ***both*** encrypted program code ***and*** an identifier associated with the solid-state memory device. A host device connected with the solid-state memory device uses the stored identifier to decrypt the encrypted program code. In the Office Action, it was admitted that Aihara et al. fails to teach this feature, and Matyas et al. was relied upon in an attempt to cure this deficiency. However, while Matyas et al. is generally directed to cryptography, Matyas et al. fails to teach a solid-state memory device that stores ***both*** encrypted program code ***and*** an identifier associated with the solid-state memory device, as recited in independent Claims 20 and 23.

Matyas et al. is directed to a decryption scheme that requires two different storage devices: (1) a diskette that stores an encrypted software program and (2) a smart card that stores a smart card number that is used to decrypt the encrypted software program stored on the diskette. As explained at col. 8, lines 17-67, a user is issued a smart card when he purchases his computer, and the smart card is pre-initialized with a secret parameter unique to that card. The user

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purchases a diskette, which is separate from the smart card, that contains an encrypted program, which can be decrypted using the secret parameter unique of the smart card. This allows the diskette to be used on any computer that is provided with the user's smart card. There is no teaching in Matyas et al. of storing both the encrypted software program and the smart card number both on the smart card. In fact, such an arrangement would be contrary to the basic operating principle of Matyas et al.

Because Matyas et al. fails to teach a solid-state memory device that stores ***both*** encrypted program code ***and*** an identifier associated with the solid-state memory device, Applicants respectfully submit that the proposed combination of Aihara et al. and Matyas et al. fails to render independent Claims 20 and 23 unpatentable. Accordingly, it is respectfully submitted that the rejections of independent Claims 20 and 23 and their dependent claims be removed.

C.   Independent Claims 37 and 39

Independent Claims 37 and 39 both recite a solid-state memory device with program code that enables a host device connected with the solid-state memory device to store data only in that solid-state memory device. In the Office Action, it was asserted that the proposed combination of Aihara et al., Matyas et al., and Tanaka et al. teaches this feature. However, the explanation in the Office Action appears to be directed to different claims and not specifically to independent Claims 37 and 39. As such, the Office Action does not contain a specific explanation as to where the claimed features are supposedly found in the proposed combination. In any event, Applicants respectfully submit that the claimed features are not found in Aihara et al., Matyas et al., and Tanaka et al., either alone of in combination.

With respect to Aihara et al., Aihara et al. makes clear that images can be stored in any location – not just on the removable memory that contains the script. See col. 5, lines 50-55 ("a user who possesses several removable memories 354 may replace a full removable memory 354 with an empty removable memory 354 to effectively expand the picture-taking capacity of camera 110."). Matyas et al. is directed generally to cryptography and does not teach any mechanism for limiting the storage of data only to the memory device that stores the program used by a host device to store the data. Finally, the cited passages in Tanaka et al. are directed to using a buffer to write data into a flash ROM. There is no teaching (and no assertion made in the Office Action) that Tanaka et al. limits the storage of data only to the memory device that stores the program used by a host device to store the data.

Because the recited feature of a solid-state memory device with program code that enables a host device connected with the solid-state memory device to store data only in that solid-state memory device is not found in any of Aihara et al., Matyas et al., and Tanaka et al., Applicants respectfully submit that the proposed combination of Aihara et al., Matyas et al., and Tanaka et al. is insufficient to render independent Claims 37 and 39 unpatentable. Accordingly, Applicants respectfully request that the rejections against independent Claims 37 and 39 and their dependent claims be removed.

VI. The Rejected Dependent Claims

Applicants note that the rejected dependent claims recite elements that provide additional grounds of patentability. For example, dependent Claim 17 states that the solid-state memory device comprises a three-dimensional memory array. In the Office Action, it was asserted that the flash device disclosed in Aihara et al. is a three-dimensional memory array because it is described by the terms cylinder, head, and sector. Applicants respectfully submit that those terms

do not make a device a three-dimensional memory array. As discussed in Applicants' specification, a three-dimensional memory array comprises memory cells arranged in a plurality of vertically-stacked layers. In contrast, there is no teaching in Aihara et al. that the flash device disclosed therein is anything more than a conventional, two-dimensional memory array. The other dependent claims provide additional grounds of patentability, and Applicants expressly reserve the right to argue those additional grounds at a later time, if necessary.

VII.   New Claims 72-87

New dependent Claims 72 and 74 depend from independent Claims 1 and 6, respectively, and recite that the data comprises audio data and that the program code comprises an audio player. New dependent Claims 73 and 75 depend from independent Claims 1 and 6, respectively, and recite that the data comprises video data and that the program code comprises a video player. These claims are fully supported by Applicants' specification and are patentable over the applied art.

New independent Claim 76 recites a solid-state memory device storing audio data and an audio player that is required by a host device to play the audio data. Independent Claim 81 recites a solid-state memory device storing video data and a video player that is required by a host device to play the video data. Various dependent claims to these independent claims have been added. All of these claims are fully supported by Applicants' specification and are patentable over the applied art.
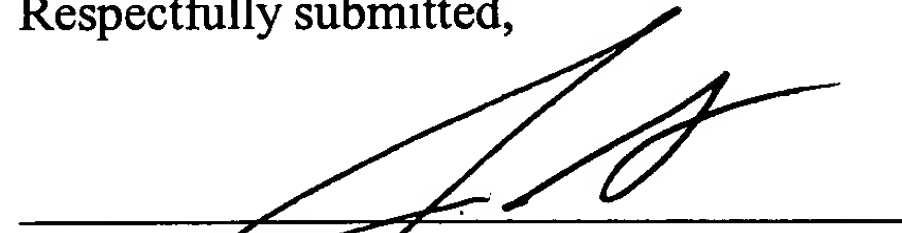
VIII. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Reconsideration is respectfully submitted. If there

are any questions concerning this Amendment, the Examiner is invited to contact the

undersigned attorney at (312) 321-4719.

Dated: July 29, 2005   Respectfully submitted,

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